United Nations E/C.19/2018/L.4

Economic and Social Council

Distr.: Limited
24 April 2018

Original: English

Permanent Forum on Indigenous Issues
Seventeenth session
New York, 16–27 April 2018

Draft report

Rapporteur: Mr. Brian **Keane**

Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Council

Recommendations of the Permanent Forum

Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples (item 4)

2019: International Year of Indigenous Languages

1. The Permanent Forum welcomes with appreciation the work carried out by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the preparation of the action plan for the International Year of Indigenous Languages in 2019, in cooperation with the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous Issues, indigenous peoples and Member States. The Permanent Forum calls upon Member States to make efforts to implement the action plan in partnership with indigenous peoples, respecting the principle of "nothing about us without us", including the establishment of national steering committees and national action plans for the International Year. States should furthermore allocate adequate funding for the successful implementation of the International Year.

2. The Permanent Forum recommends that indigenous peoples, as the rightful owners and custodians of their own languages, initiate and develop their own action plans for the International Year and awareness-raising campaigns to draw attention to the situation of indigenous languages.

Please recycle

3. The Permanent Forum invites the General Assembly to request that UNESCO report on activities carried out during the International Year, and subsequent impacts and follow-up activities after 2019, at its seventy-fifth session.

4. Bearing in mind that Member States have recognized the importance of the preservation and revitalization of indigenous languages by proclaiming 2019 the International Year of Indigenous Languages, the Permanent Forum recommends that UNESCO, in active collaboration with other relevant United Nations entities, organize a conference or high-level event dedicated to indigenous languages, as a major event of the International Year. The Forum emphasizes that all events organized to mark the International Year must include the full and effective participation of indigenous peoples.

5. The Permanent Forum recommends that United Nations entities, including the Inter-Agency Support Group on Indigenous Peoples' Issues, take effective measures to support the promotion of indigenous languages and the successful implementation of the goals and objectives of the International Year, including activities related to the implementation of the 2030 Agenda for Sustainable Development, the system-wide action plan on the rights of indigenous peoples and other processes.

6. The Permanent Forum urges the Secretary-General to appoint a special envoy on indigenous languages, in consultation with indigenous peoples.

7. The Permanent Forum urges Member States to establish permanent financing structures for ensuring the protection of indigenous peoples' language initiatives, such as the Giellagáldu project in Finland, Norway and Sweden.

Women, youth and children

8. The Permanent Forum recommends that the Commission on the Status of Women organize a high-level interactive dialogue on the rights of indigenous women to coincide with the twenty-fifth anniversary of the Fourth World Conference on Women, in 2020, to review progress made towards the Sustainable Development Goals with a focus on linkages with the United Nations Declaration on the Rights of Indigenous Peoples. The Permanent Forum invites Member States, in cooperation with indigenous peoples' organizations and with the support of the United Nations system, to conduct preparatory processes, with the full and effective participation of indigenous women of all ages.

9. The Permanent Forum expresses considerable concern with the disparity between indigenous and national maternal mortality rates in many countries and encourages Member States to lower indigenous maternal mortality rates by incorporating an intercultural approach to sexual and reproductive health services and promoting the inclusion of indigenous health workers to guarantee access to culturally appropriate health services and medical staff. The Permanent Forum also encourages Member States to allocate appropriate budgets to identify and address sociocultural and other barriers and to monitor the impact of measures taken.

10. The Permanent Forum commends the Food and Agriculture Organization of the United Nations (FAO) for its work on indigenous women and youth and specifically congratulates FAO on the start of a global campaign on indigenous women and the establishment of a forum on indigenous youth.

11. The Permanent Forum recalls the outcome of the international expert group meeting, held from 18 to 20 January 2012, on "Combating violence against indigenous women and girls: article 22 of the United Nations Declaration on the Rights of Indigenous Peoples". The Permanent Forum recommends that United Nations agencies, funds and programmes, in collaboration with indigenous peoples' organizations, monitor the high levels of global violence and threats directed at

indigenous women human rights defenders. The Permanent Forum calls for an immediate halt to the criminalization, incarceration, intimidation, coercion, and assassination of, and death threats to, all indigenous human and environmental rights defenders.

12. Permanent Forum recommends that Member States fully involve indigenous women in the design and conduct of national health surveys and ensure that such surveys are carried out in a culturally appropriate manner in the indigenous communities being surveyed.

13. The Permanent Forum acknowledges the advances towards the implementation of the health plan for indigenous youth in Latin America and invites the Pan American Health Organization/World Health Organization (PAHO/WHO) to continue working with indigenous youth and Member States towards the implementation of the plan and to report on progress achieved at its eighteenth session.

14. The Permanent Forum calls for the implementation on the Convention on the Rights of the Child, which gives clear guidance to the States on the need for them to minimize childhood exposure to toxic chemicals though water, food, air and other sources of exposure. It is critical that environmental regulators are educated specifically regarding article 24 of the Convention.

Health

15. The Permanent Forum welcomes the preliminary report of the United Nations Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, which was presented at the current session, in accordance with recommendation 46 of the Permanent Forum at its sixteenth session, and the Forum invites the Rapporteur to present his final report at the eighteenth session.

16. Existing conventions governing the use and disposal of toxic chemicals and wastes do not adequately protect the rights of the world's most vulnerable, including indigenous peoples, who disproportionately suffer from their indiscriminate and irresponsible use.

17. The Forum recommends that the International Conference on Chemicals Management establish an advisory committee of indigenous peoples in its intersessional process for considering the Strategic Approach to International Chemicals Management and the sound management of chemicals and waste beyond 2020.

18. The Forum recommends the creation of a global, legally binding regime for toxic industrial chemicals and hazardous pesticides, the vast majority of which are currently unregulated under existing Conventions, to protect the rights of everyone, including indigenous peoples, from the grave threats to human rights presented by the ongoing chemical intensification of the global economy. Such a regime should have strong accountability and compliance mechanisms and be in conformity with international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child.

19. The Permanent Forum welcomes the adoption, in 2017, of the first Policy on Ethnicity and Health by the States members of the Pan American Health Organization and invites the World Health Organization to follow this initiative and expand on this work at the global level. The Permanent Forum also notes the initiative of PAHO/WHO to develop a strategy and plan of action on ethnicity and health for the Americas and invites PAHO/WHO to report on progress achieved at the eighteenth session of the Forum.

20. The Permanent Forum acknowledges the progress made towards the implementation of the health plan for indigenous youth in Latin America and invites PAHO/WHO to continue working with indigenous youth and Member States towards the implementation of the plan and to report on progress achieved at its eighteenth session.

21. The Permanent Forum takes note of the launch of the Virtual Health Library on Traditional, Complementary and Integrative Medicine for the Americas by PAHO/WHO. Bearing in mind the importance of traditional medicine and indigenous peoples, the Permanent Forum invites Member States, other inter-agency entities and indigenous peoples to contribute to this initiative, to enhance its sustainability, and invites PAHO/WHO to report on its progress at the eighteenth session of the Forum.

22. Traditional indigenous midwives' cultural and clinical knowledge and their contributions to the well-being and positive health outcomes of indigenous peoples are largely unacknowledged in national health systems. Indigenous midwives work tirelessly to improve maternal and infant health throughout a person's reproductive life cycle and, in particular, during pregnancy, birth and the post-partum period.

23. Despite this critical role, community-regulated indigenous midwifery is often undermined and actively criminalized, to the detriment of indigenous peoples' health. To close the gap between indigenous and non-indigenous health outcomes, the practice of indigenous midwifery must be supported by state health policy and integration. Indigenous peoples' right to self-determination extends to their reproductive health, and states should put an end to the criminalization of indigenous midwives and make the necessary legislative and regulatory amendments to legitimize indigenous midwives who are recognized by their communities as health-care providers. States should also support the education of new traditional indigenous midwives via multiple routes of education, including apprenticeships and the oral transmission of knowledge.

24. The Permanent Forum reiterates the recommendations made at third, fifth and ninth sessions on indigenous midwives, in which the Forum recommended that the World Health Organization (WHO), the United Nations Children's Fund and the United Nations Population Fund (UNFPA), as well as regional health organizations and Governments, fully incorporate a cultural perspective into health policies and programmes and reproductive health services aimed at providing indigenous women with quality health care, including emergency obstetric care, voluntary family planning and skilled attendance at birth. In the latter context, the roles of traditional midwives should be re-evaluated and expanded so that they may assist indigenous women during their reproductive health processes and act as cultural brokers between health systems and the indigenous communities' values and world views.

25. The Permanent Forum recommends that the World Health Organization End TB Strategy and the Global Partnership to Stop Tuberculosis, in collaboration with UNFPA and the Inter-Agency Support Group on Indigenous Peoples' Issues, sponsor an expert group meeting on tuberculosis by 2020 to analyse the sociocultural and economic determinants of health for tuberculosis prevention, care and treatment in indigenous communities, with the cooperation of the Forum, in order to ensure the realization of Goal 3, target 3, of the Sustainable Development Goals.

26. The Permanent Forum appreciates the steps taken by the Joint United Nations Programme on HIV/AIDS, UNFPA and the Inter-Agency Support Group on Indigenous Peoples' Issues for the organization of an international workshop on HIV/AIDS, as recommended in paragraph 46 of the report of the Permanent Forum on its sixteenth session, and calls on Member States and United Nations entities to contribute to the workshop.

27. The Permanent Forum is concerned that, across the globe, indigenous women and adolescents face persistent inequalities and stigma, especially in relation to maternal health and maternal mortality, yet the lack of data in this area renders them invisible and presents a major barrier to efforts to address the issue. According to UNPFPA, indigenous women are overwhelmingly less likely to have received health care services. Indigenous women are three times more likely to have had no antenatal care and twice as likely to give birth without a skilled birth attendant, and have a significantly higher adolescent birth rate. This is directly related to the poverty, discrimination and marginalization that indigenous women frequently face.

28. The Permanent Forum welcomes the study presented by UNFPA in collaboration with Chirapaq, entitled "Progress and challenges regarding the recommendations of the Permanent Forum on sexual and reproductive health and rights and gender-based violence". The study is aimed at achieving a better understanding of the achievements, limits, barriers and scope of the recommendations of the Permanent Forum, with the overall objective of generating actions to achieve progress in the exercise of indigenous women's sexual and reproductive health rights and protection from gender-based violence.

29. The study found that:

(a) Only 16 per cent of the recommendations made by the Permanent Forum at its 16 sessions explicitly focus on the situation of indigenous women, girls and gender equality. Only 3 per cent relate to sexual and reproductive health, and 6 per cent to gender-based violence;

(b) The Permanent Forum has issued 170 recommendations specifically aimed at improving the situation of indigenous women; however, only 10 have been reported as "completed";

(c) The key inhibiting factors for the Permanent Forum to take action include such issues as limited budgets and the low priority given to indigenous women's issues at the country level; lack of disaggregated data; and a lack of mechanisms and processes to follow up on recommendations.

Social and economic development

30. The Permanent Forum welcomes the Ibero-American Plan of Action for the Implementation of the Rights of Indigenous Peoples, adopted in April 2018 by indigenous peoples and States as members of the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean. We acknowledge the leadership of the Fund in this process and encourage similar efforts in other regions of the world. The Permanent Forum invites the Fund to provide information on the progress made by the Fund in the implementation of the Plan of Action at the nineteenth session of the Forum.

31. The Permanent Forum welcomes efforts made by FAO in applying the principle of free, prior and informed consent to all its field initiatives involving indigenous peoples and encourages other United Nations entities to do the same.

Culture

32. The Forum encourages UNESCO, States, the Expert Mechanism on the Rights of Indigenous Peoples and indigenous peoples to continue to engage in active dialogue aimed at achieving recognition of the rights of indigenous peoples to repatriation of their human remains and sacred items, in accordance with the outcome document of the World Council of Indigenous Peoples and articles 11 and 12 of the United Nations Declaration on the Rights of Indigenous Peoples, and the

establishment of a new United Nations mechanism for international repatriation, as called for in recommendations made by the Permanent Forum in 2015, 2016 and 2017.

Environment

33. At its seventeenth session, the Permanent Forum heard from many indigenous peoples who expressed their concern regarding States granting concessions for extractive industries, infrastructure projects, large-scale agriculture or hydroelectric dams without the free, prior and informed consent of indigenous peoples. This has led to inevitable social, economic and cultural conflicts between governments and indigenous peoples in countries such as Finland (in the case of the Arctic railway project), Bolivia, Brazil and Peru (in the case of the trans-Amazonian highway). The Forum reiterates that the Member States must act in compliance with international human rights standards, including through adequate consultations with affected indigenous peoples, respecting the right to their free, prior and informed consent at all stages while also ensuring mitigation measures, compensation and fair and equitable benefit-sharing.

34. The Permanent Forum reiterates its concern over environmental violence, in particular its pervasive impacts on indigenous women and girls. The Permanent Forum takes note with appreciation the recommendations from the third International Indigenous Women's Symposium on Environment and Reproductive Health, held at Columbia University on 14 and 15 April 2018. The Permanent Forum recommends that members of the Inter-Agency Support Group on Indigenous Peoples' Issues and the relevant special procedures of the Human Rights Council consider ways to address and incorporate the recommendations from that Symposium.